

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

TERRY D. GILLAND,)
Plaintiff,)
v.) No.: 3:11-CV-31
MICHAEL J. ASTRUE,) (VARLAN/GUYTON)
Commissioner of Social Security,)
Defendant.)

ORDER

This Social Security appeal is before the Court on the Report and Recommendation entered by United States Magistrate Judge H. Bruce Guyton on December 27, 2011 [Doc. 15]. There have been no timely objections to the Report and Recommendation and enough time has passed since the filing of the Report and Recommendation to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). In the Report and Recommendation, the magistrate judge recommends that the plaintiff's motion for summary judgment [Doc. 9] be granted and that the Commissioner's motion for summary judgment [Doc. 13] be denied.

The Court has carefully reviewed this matter, including the underlying motions and the complaint. The Court is in agreement with the magistrate judge's recommendation, which the Court adopts and incorporates into its ruling. Accordingly, the Court **ACCEPTS IN WHOLE** the Report and Recommendation [Doc. 15]. Additionally, it is hereby

ORDERED that Plaintiff's Motion for Summary Judgment [Doc. 9] is **GRANTED** and the Commissioner's Motion for Summary Judgment [Doc. 13] is **DENIED**. The Commissioner's decision in this case denying plaintiff's application for disability, disability insurance benefits, and/or supplemental security income is **REVERSED** and this case is **REMANDED** to the ALJ for further explanation of the weight afforded to Dr. Lakatosh's opinion and for further explanation of the ALJ's credibility determination, consistent with this order and the magistrate judge's Report and Recommendation.

IT IS SO ORDERED.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT

s/ Debra C. Poplin
CLERK OF COURT